

COMMONWEALTH OF MASSACHUSETTS

BARNSTABLE, SS.

DISTRICT COURT DEPARTMENT
CIVIL ACTION NO. 0525CV0455

JAMES J. MCNULTY,

PLAINTIFF

VS.

GAP, INC. ,

DEFENDANT

1. Plaintiff, James J. McNulty is a natural person residing at 14 Wildwood Path, West Yarmouth, Ma., Barnstable County, Massachusetts.
2. Defendant is a corporation doing business as Gap, Inc. at 2 Folsom Street, San Francisco, Ca. 94105.
3. On or about October 4, 2000, the plaintiff James J. McNulty returned to his employment as Associate Manager of the Gap stores in Hyannis, Ma. . After suffering a brain injury, with resulting seizure disorders, short term memory loss, severe headaches, balance and vision problems, and other brain injury \ seizure related disorders which escalated over the next two years as a result of emotional distress negligently inflicted by the defendant.
4. The defendant negligently and carelessly inflicted emotional distress so as to cause the plaintiff to become physically disabled.
5. As a direct and proximate result thereof, the plaintiff was prevented from carrying out the duties of his occupation to the best of his ability.

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William E. Aldridge
CLERK

6. Upon returning to work in 2000, the plaintiff was restricted to twenty hours per week by his neurosurgeon. The plaintiff worked two weeks at 20 hours and then was told by the General Manager that he could not afford to pay him his full salary and that he would have to work 40 hours regardless of the doctors return to work authorization.
7. The plaintiff was given no accommodations regarding his disability.
8. The defendant frequently joked to the other managers whether the plaintiff would remember what needed to be done.
9. When the new store was opening the plaintiff was required to work 60 hours.
10. In spite of the fact that the doctor insisted that he have at least 8 hours sleep, he was scheduled for 2 P.M. to 11 P.M. and on the following morning from 7A.M. to 4 P.M. which happened frequently.
11. The plaintiff was restricted from climbing and the defendant assigned him to climbing 7 ft. high rolling racks without ladders to dispose of fixtures on top shelves.
12. In the first review the plaintiff had received in the first three years, he was supposed to have had a review each year, he frequently referred to his disabilities and how his entire performance was affected by this.
13. The plaintiffs personal files were made known to the entire staff, resulting in loss of respect for the plaintiff.
14. The last review given to the plaintiff on May 20, 2002 resulted in an ultimatum that could result in a termination of employment which brought on a seizure in front of the defendant that turned into a grand mal seizure and he hit

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his head repeatedly on the floor and was taken to the hospital without being able to speak or see. The plaintiff has been permanently disabled since.

WHEREFORE, the plaintiff demands judgment against the defendant in an amount which the Court would deem fair and reasonable.

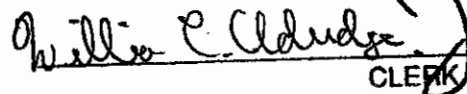
A trial by jury is demanded upon all issues.

Respectfully submitted,


Pro Se

Date: May 19, 2005

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CLERK

STATEMENT OF DAMAGES St. 1996, c. 35B, § 5		DATE FILED (to be added by Clerk) <u>5-19-05</u>	DOCKET NO. (to be added by Clerk)	Trial Court of Massachusetts District Court Department
PLAINTIFF(S) <u>JAMES J. MANULTY</u>		DEFENDANT(S) <u>GAP INC</u>		
INSTRUCTIONS: THIS FORM MUST BE COMPLETED AND FILED WITH THE COMPLAINT OR OTHER INITIAL PLEADING IN ALL DISTRICT COURT CIVIL ACTIONS SEEKING MONEY DAMAGES IN BARNSTABLE, BERKSHIRE, BRISTOL, DUKES, ESSEX, FRANKLIN, HAMPOEN, HAMPSHIRE, MIDDLESEX, NANTUCKET AND NORFOLK COUNTIES.		<u>BARNSTABLE</u> DISTRICT COURT		
TORT CLAIMS			AMOUNT	
A. Documented medical expenses to date:				
1. Total hospital expenses:			\$ <u>APP-50,000.00</u>	
2. Total doctor expenses:			\$ <u>5,000.00 APP.</u>	
3. Total chiropractic expenses:			\$ <u>N/A</u>	
4. Total physical therapy expenses:			\$ <u>N/A</u>	
5. Total other expenses (Describe):			\$ <u>UNK</u>	
SUBTOTAL:			\$ <u>55,000.00</u>	
B. Documented lost wages and compensation to date:			\$ <u>116,000.00</u>	
C. Documented property damages to date:			\$ <u>N/A</u>	
D. Reasonably anticipated future medical and hospital expenses:			\$ <u>UNK</u>	
E. Reasonably anticipated lost wages:			\$ <u>UNK</u>	
F. Other documented items of damage (Describe): <u>PAIN & SUFFERING</u>			\$ <u>3-MILLION.</u>	
G. Brief description of Plaintiff's injury, including nature and extent of injury (Describe): <u>BRAIN INJURY- SEIZURE DISORDERS SEVERE HEADACHES</u> <u>BALANCE & VISION PROBLEMS-SHORT TERM MEMORY LOSS-BLEEDING</u> <u>FROM BRAIN</u>				
For this form, disregard double or treble damage claims; indicate single damages only.			TOTAL: \$ <u>3,171,000.00</u>	
CONTRACT CLAIMS:			AMOUNT	
Provide a detailed description of claim(s):			\$ _____	
.....			\$ _____	
.....			\$ _____	
For this form, disregard double or treble damage claims; indicate single damages only.			TOTAL: \$ _____	
ATTORNEY FOR PLAINTIFF (OR PRO SE PLAINTIFF): <u>James J. Manulty</u> <u>5-19-05</u> Signature <u>PRO SE</u> Date <u>JAMES J. MANULTY</u> Print or Type Name S.S.O.# <u>14 WILLOWOOD PATH</u> Address <u>WEST YARMOUTH, MA 02673</u>			DEFENDANT'S NAME AND ADDRESS: <u>GAP</u> <u>GAP - INC</u> <u>2 FOLSON ST.</u> <u>SAN FRANCISCO, CA. 94105</u>	

A TRUE COPY, ATTEST

William C. Chidgey
CLERK